

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BRIAN KEITH TURNER,

Plaintiff,

v.

No.: 3:06-cv-471  
(VARLAN/GUYTON)

BLOUNT COUNTY, TENNESSEE, et al.,

Defendants.

**MEMORANDUM AND ORDER**

This is a prisoner's civil rights action pursuant to 42 U.S.C. § 1983; plaintiff is represented by counsel. The matter is before the court on several motions filed by the parties.

Plaintiff has filed a motion to amend the complaint, a motion to withdraw that motion and resubmit a revised version of the amended complaint, and a motion for leave to file a revised amended complaint. The defendants object to allowing plaintiff to file an amended complaint and have also filed a motion to dismiss portions of plaintiff's complaint.

Under the circumstances, plaintiff's most recent motion for leave to file a revised amended complaint [Doc. 35] is **GRANTED**. Fed. R. Civ. P. 15(a) and (c). The Clerk is **DIRECTED** to file the amended complaint. The defendants' motion to dismiss portions of the complaint [Doc. 23] is **DENIED WITHOUT PREJUDICE** to their right to re-file the motion to dismiss after the amended complaint is filed. Plaintiff's first motion to amend the

complaint [Doc. 21] and his motion to withdraw that motion and resubmit a revised version of the amended complaint [Doc. 22] are **DENIED** as **MOOT**.

There is also pending plaintiff's motion for the court to set a date for the filing of his responses to the defendants' motion to dismiss and their objection to his motion to amend and plaintiff's motions for extension of time to file his responses. Plaintiff's motions for extension of time [Doc. 28 and 29] are **GRANTED NUNC PRO TUNC** as of July 25, 2007, the date he filed his responses. Plaintiff's motion for the court to set a date for filing responses [Doc. 25] is **DENIED** as **MOOT**.

In addition, plaintiff's motion to strike the defendants' reply brief [Doc. 32] and plaintiff's motion to dismiss and/or strike defendants' response to the motion to amend the complaint [Doc. 34] are **DENIED**. Plaintiff's motion for the court to set a pretrial scheduling conference [Doc. 27] is **DENIED**. The court will set a scheduling conference after an answer or other response to the amended complaint has been filed and the case is at issue.

**E N T E R :**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE